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Elections to fill vacancies in subsidiary organs and other elections: election of eighteen members of the Human Rights Council

Letter dated 6 June 2012 from the Permanent Representative of Kazakhstan to the United Nations addressed to the President of the General Assembly

I have the honour to inform you that the Government of the Republic of Kazakhstan submitted its candidature for membership in the Human Rights Council at the elections to be held in November 2012 for the period 2013-2015.

The Permanent Mission of the Republic of Kazakhstan to the United Nations would be grateful if its candidature could be included in the preparations for that election, and would suggest that it be included in the programme of work under the agenda item entitled "Elections to fill vacancies in subsidiary organs and other elections: election of eighteen members of the Human Rights Council".

In that regard, the Government of the Republic of Kazakhstan has the honour to transmit herewith its written statement of voluntary pledges and commitments for the promotion and protection of human rights in accordance with General Assembly resolution 60/251 of 15 March 2006 (see annex). I would be grateful if the present letter and its annex could be circulated to the States Members of the United Nations as a document of the General Assembly.

(*Signed*) Byrganym **Aitimova**
Ambassador

* A/67/50.

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Annex to the letter dated 6 June 2012 from the Permanent Representative of Kazakhstan to the United Nations addressed to the President of the General Assembly

Aide-memoire on the candidature of the Republic of Kazakhstan to the United Nations Human Rights Council for the period 2013-2015

Voluntary pledges and commitments for the promotion and protection of human rights

Since gaining independence, Kazakhstan has declared the policy of democratization and rule of law to ensure equal rights to its citizens, recognizing human life, rights and freedoms as supreme values of society. Kazakhstan successfully moves to building a free and open society through democratic transformations in a newly formed State.

Kazakhstan fully supports the idea of the Human Rights Council and the procedure of the universal periodic review as an efficient, reliable and transparent mechanism for monitoring the observance of human rights.

The decision of the Government of the Republic of Kazakhstan to seek membership of the Human Rights Council is based on the following defining factors.

Kazakhstan as a responsible party to the majority of international conventions in the field of human rights

Kazakhstan has taken major steps towards strengthening international human rights standards in its national legislation.

Kazakhstan is a party to the following fundamental conventions:

(a) International Covenant on Civil and Political Rights and its Optional Protocol of 1966;

(b) International Covenant on Social, Economic and Cultural Rights of 1966;

(c) International Convention on the Elimination of All Forms of Racial Discrimination of 1965;

(d) Convention on the Elimination of All Forms of Discrimination against Women of 1979 and its Optional Protocol of 2000;

(e) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 and its Optional Protocol of 2002;

(f) Convention on the Rights of the Child of 1989 and its two Optional Protocols of 2000;

(g) Convention on the Prevention and Punishment of the Crime of Genocide of 1948;

(h) Convention relating to the Status of Refugees of 1951.

Kazakhstan recognizes the competence of the United Nations Committee against Torture, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination and the Human Rights Committee over individual complaints of rights infringement under the relevant treaties.

The important step towards further extension of human rights protection mechanisms in the country was the signing of the Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2008, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in September 2010 at the opening of the sixty-fifth session of the General Assembly.

Kazakhstan's active cooperation with the United Nations special procedures and the mechanism of the universal periodic review

Kazakhstan works in close collaboration with international structures monitoring observance of human rights by submitting national reports to the United Nations treaty bodies, implementing their recommendations as well as harmonizing the national legislation along with its commitments.

In February 2010, Kazakhstan successfully underwent the first cycle of the universal periodic review, which demonstrated steady and meaningful progress in the field of human rights protection. The universal periodic review process was instrumental in assessing the achievements and defining the objectives towards further promotion and protection of human rights in view of new challenges.

Kazakhstan has also shown significant progress by fulfilling its pledges while submitting national periodic reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights.

In July 2011, the first national report on the International Covenant on Civil and Political Rights was presented to the Human Rights Committee.

Confirming its commitment to transparent and constructive cooperation with all partners, Kazakhstan in 2009 extended permanent invitations to all special procedures mandate holders of the Human Rights Council. The same year Kazakhstan was visited by the Special Rapporteur on torture, M. Novak, and the Independent Expert on minority issues, G. McDougall, and in September 2010 by the Special Rapporteur on adequate housing, R. Rolnik.

Kazakhstan appreciates universal periodic review recommendations suggested by the States Members of the United Nations, non-governmental organizations, United Nations treaty bodies and the special procedures of the Human Rights Council, including the findings and recommendations of Special Rapporteurs summarizing their missions to our country. The Government has developed, and is successfully implementing, appropriate action plans. Thus, Kazakhstan fully assures adherence to its commitments.

Protection and promotion of human rights: the utmost priorities of Kazakhstan's internal policy

Kazakhstan carries out well-established and comprehensive legal reform to ensure civil, political, social, economic and cultural human rights in accordance with internationally recognized norms and principles.

Large-scale legislative work to further improve the human rights protection system in Kazakhstan has been carried out in full compliance with the provisions of the adopted National Human Rights Action Plan for 2009-2012 and the Concept of Legal Policy for 2010-2020.

These strategic documents aimed at establishing a more effective, consistent and coordinated policy to introduce the best legislative and law enforcement practices in the human dimension, involving State bodies and non-governmental and international organizations.

It should be noted that the National Human Rights Action Plan is a far-reaching document, giving a detailed workplan to achieve internationally accepted standards in the human rights area.

The Action Plan fully incorporates the recommendations of Special Rapporteurs and the United Nations treaty bodies on human rights.

At present, the majority of recommendations announced in the Concept of Legal Policy and in the Human Rights Action Plan have already been accomplished. In particular, legislative acts on further humanization of criminal laws and strengthening of legal guarantees in criminal procedure, combating corruption, improvement of the judicial system, providing qualified legal aid, guaranteed volume of medicaid, social support for vulnerable groups, the privacy right, offence prevention as well as consumer rights' protection were enacted. Along with them, the Law on Refugees was adopted, which defines the legal status of refugees and persons seeking asylum within the territory of Kazakhstan.

To fully ensure women's rights, the stepwise implementation of the Gender Equality Strategy for 2006-2016 is carried out. It is a fundamental document and instrument for national gender policy implementation. Acts "On the prevention of domestic violence" and "Equal rights and equal opportunities for men and women" were enacted.

There are about 5,000 non-governmental organizations active in Kazakhstan. To achieve comprehensive political pluralism and strengthening women's role and status in social and political life, legislative measures are being enacted.

Within the framework of establishing a foolproof torture prevention system in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a bill on the formation of a national preventive mechanism is being drafted at the national level.

In order to guarantee State protection of rights and freedoms of citizens, there are various human rights institutions operating in Kazakhstan, such as the National Commission on Human Rights, the Human Rights Ombudsman, the National Commission on Family Affairs and Gender Policy, the Assembly of People of Kazakhstan and the Committee for Protection of Children's Rights.

Kazakhstan implements the policy of gradual abolition of the death penalty. In 2003, by decree of the President of the Republic of Kazakhstan, an indefinite moratorium on the death penalty was declared; the process of criminal laws humanization and liberalization is under way. In 2004, life imprisonment was enforced as an alternative to the death penalty until a decision on its total abolition has been adopted.

In 2006, Kazakhstan joined the European Union Memorandum on abolition of the death penalty, which became the basis of General Assembly resolution 62/149 of 18 December 2007 entitled "Moratorium on the use of the death penalty", also supported by Kazakhstan.

In 2010, the Republic of Kazakhstan joined the group of constituent countries (Algeria, Argentina, Dominican Republic, France, Italy, Mexico, Mongolia, Philippines, Portugal, South Africa, Spain, Switzerland and Turkey) of the International Commission against the Death Penalty, which aims to contribute to international efforts in the fight for announcement of a comprehensive moratorium on the death penalty towards complete abolition of this form of punishment all over the world.

Chairmanship of the Organization for Security and Cooperation in Europe, with a focus on tolerance and non-discrimination

In 2010, the Republic of Kazakhstan chaired the Organization for Security and Cooperation in Europe (OSCE).

Kazakhstan's chairmanship of OSCE was marked by emphasis on initiatives in the human dimension and recommitment by all States members to the fundamental principles of the Charter of the United Nations and the Helsinki Final Act in the twenty-first century.

Observance of fundamental rights and freedoms, democracy, and combating intolerance and discrimination are the basic prerequisites for social stability and sustainable development.

With the positive experience it has achieved in keeping lasting peace and accord in a multicultural and multireligious society, Kazakhstan promoted tolerance and intercultural dialogue during its OSCE chairmanship. Likewise, that experience can be a significant asset in promotion of human rights protection mechanisms within the United Nations.

At the initiative of Kazakhstan, the General Assembly adopted resolution 62/90 declaring 2010 the International Year for the Rapprochement of Cultures. Since its independence, Kazakhstan has been successfully implementing a balanced State policy of ethnocultural diversity and solidarity to support intercultural and inter-ethnic harmony in the country.

Nowadays, Kazakhstan has proper economic and political frameworks to maintain intercultural dialogue among its people. Kazakhstan established the Assembly of People of Kazakhstan, a unique model of inter-ethnic and interfaith harmony.

In Kazakhstan, the principle of tolerance is not only a norm of political culture, but also a key principle of State policy, which is supported and advocated.

The prime focus of Kazakhstan's chairmanship in the Organization of the Islamic Conference in 2011-2012 is to promote a dialogue between the West and the Islamic world and advance human rights and fundamental freedoms, including equal rights for women.

Human Rights Council

If elected as a member of the Human Rights Council, Kazakhstan intends to:

(a) Enhance the credibility and effectiveness of the Human Rights Council;

(b) Promote the observance of civil, political, economic, social and cultural rights with due regard for the rights of the most vulnerable groups;

(c) Follow the highest standards of interaction during the universal periodic review, based on the principles of fairness, impartiality, non-selectivity and constructive dialogue;

(d) Actively promote the effectiveness of the universal periodic review;

(e) Promote the effective implementation of the mandates by special procedures;

(f) Expand outreach activities of the United Nations human rights mechanisms;

(g) Serve as the catalyst for policy formulation related to democratic reforms at the regional and subregional levels in accordance with best practices learned as a member of the Human Rights Council.

Kazakhstan presents its candidature for membership in the Human Rights Council for the term 2013-2015 at the election to be held by the General Assembly during its sixty-seventh session in November 2012 in New York. Therefore, we would highly appreciate support for our country at this election.